

## **REMARKS/ARGUMENTS**

Applicant has received and carefully reviewed the Office Action mailed January 20, 2010. Currently, claims 22-38, 42, 43, and 45-47 remain pending of which claims 34-38, 43, and 45-47 were previously withdrawn. Claims 22-33 and 42 have been rejected. Applicant respectfully traverses all adverse assertions and rejections presented in the Office Action. Claim 22 has been amended to include certain elements of claim 28 to clarify the relationships among the elements. Minor amendments related to the amendment of claim 22 have been made to claims 28 and 29. No new matter has been introduced. Favorable consideration of the above amendments and the following remarks is respectfully requested.

### ***Claim Amendments***

Claim 22 has been amended to require that a preformed cross-linked gelatin sponge and the wetting agent is coated onto the preformed sponge by soaking the sponge in a coating solution include the wetting agent and a non-aqueous solvent. The amendments are supported by, for example, claim 28 and page 18, lines 5-22 of the specification.

Claim 28 has been amended to reflect the changes made to claim 22.

Claim 29 has been amended to depend from claim 22, which now introduces the claimed coating solution of claim 29.

### ***Claim Rejections – 35 USC § 102***

Claims 22-25, 27-30, 32, 33, and 42 were rejected under 35 U.S.C. §102(b) as anticipated by Pawelchak et al. (U.S. Patent No. 4,292,972). After careful review, Applicant must respectfully traverse this rejection.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)...“The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (MPEP 2131).

Pawelchak et al. do not appear to disclose a preformed gelatin sponge soaked in a coating solution including the wetting agent and a non-aqueous solvent. While the Examiner has asserted that Pawelchak et al. inherently discloses the wetting agent is soluble in non-aqueous solvents, nowhere does Pawelchak et al. appear to disclose that the wetting agent is actually disposed or dissolved in a non-aqueous solvent, or that a preformed gelatin sponge is soaked in a non-aqueous solvent. In fact, Pawelchak et al. appear to disclose that the asserted wetting agent is added to the disclosed aqueous colloidal dispersion prior to freezing and drying. Furthermore, Applicant submits that the freezing and drying steps of Pawelchak et al. are necessary to form the foam sponge, and thus the asserted wetting agent is not coated (as a coating solution including the wetting agent and a non-aqueous solvent) on at least a substantial portion of the surface of a preformed gelatin sponge, as in the pending claim.

Accordingly, Pawelchak et al. do not appear to disclose each and every element of independent claim 22 in as complete detail as is contained in the claim; therefore, Pawelchak et al. cannot anticipate the claim. Since claims 23-25, 27-30, 32, 33, and 42 depend from independent claim 22 and add additional elements thereto, Applicant submits that these claims are also not anticipated by Pawelchak et al. Withdrawal of the rejection is respectfully requested.

### ***Claim Rejections – 35 USC § 103***

Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pawelchak et al. in view of Yasushi et al. (JP 02-182259). After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03).

As discussed above, Pawelchak et al. do not appear to disclose all of the elements of independent claim 22. Yasushi et al. do not appear to remedy the shortcomings of Pawelchak et al. with respect to claim 22. Therefore, claim 22 is believed to be

patentable over the cited combination. Since claim 26 depends therefrom and adds additional elements thereto, Applicant submits that claim 26 is also patentable over the cited references and respectfully requests that the rejection be withdrawn.

Claim 31 was rejected under 35 U.S.C. §103(a) as being unpatentable over Pawelchak et al. in view of EP 5568 334, believed to be Song et al. (EP 0 568 334). If this belief is incorrect, the Examiner is invited to provide the correct reference for consideration, preferably identifying the reference in the form specified by 37 CFR § 1.104 (d). After careful review, Applicant must respectfully traverse this rejection.

As discussed above, Pawelchak et al. do not appear to disclose all of the elements of independent claim 22. Song et al. do not appear to remedy the shortcomings of Pawelchak et al. with respect to claim 22. Therefore, claim 22 is believed to be patentable over the cited combination. Since claim 31 depends therefrom and adds additional elements thereto, Applicant submits that claim 31 is also patentable over the cited references and respectfully requests that the rejection be withdrawn.

### ***Conclusion***

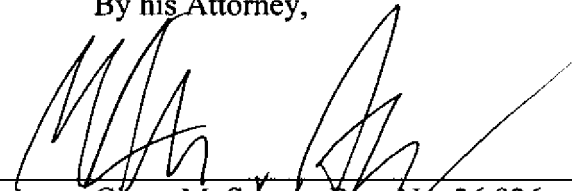
In view of the foregoing, all pending claims are believed to be in condition for allowance. Further examination, reconsideration, and withdrawal of the rejections are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

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By his Attorney,

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